

REMARKS

Amended claims 1, 3, 5-8, and 10-14 are currently pending in this application. Claim 2 has been canceled without prejudice. Applicant respectfully requests reconsideration of the claim rejections in view of the foregoing amendment and for at least the following reasons.

No new matter has been introduced by the current amendment. Independent claim 1 has been amended to incorporate the limitations of canceled claim 2 and further include a plurality of piezoelectric fibers distributed and integrated in at least one module with a continuous composite material between the piezoelectric fibers that also point toward the coupling membrane. Support for amended claim 1 is at least found in the filed application at FIG. 1, p. 4, l. 30-35, p. 9, l. 38-40 and p. 10, l. 13-15. Claims 3 and 12 have been amended to depend from independent claim 1 as claim 2 has been cancelled.

Claims 1, 3, 5-8, and 10-14 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,119,801 to Eizenhoefer ("Eizenhoefer") in view of U.S. Patent No. 5,869,189 to Hagood ("Hagood"). In view of the foregoing amendment, Applicant respectfully traverses and requests reconsider of the rejection.

Specifically, amended independent claim 1 includes the limitation of a shock wave-producing apparatus with a module having piezoelectric fibers "distributed and integrated lengthwise between respective electrical terminals in a continuous composite material between the plurality of piezoelectric fibers." Applicant's prior arguments, incorporated herein by reference, pointed out that Eizenhofer taught away from Applicant's invention with traditional piezoceramic elements without integration in a composite material that were explicitly intended to include gaps between such piezoceramic elements and therefore could not provide any predictable guidance to those skilled in the art for a shock wave device with piezoelectric fibers distributed and integrated in a composite material. The Examiner however noted at page 4 of the instant Final Office Action that previous claim 1 was not viewed to include the limitation of piezoelectric fibers being integrated in a composite material without gaps between

piezoelements as taught by Eizenhofer. The foregoing amendment includes such limitation as distinguished from Eizenhofer's contrary teachings.

As Hagood's structure and use of piezofibers in an unrelated field and distinct application provides no predictable guidance for modifying Eizenhofer's gapped traditional piezoelectric elements without piezofibers, the prior art collectively fails to provide any predictable guidance for a shock wave generating apparatus including a structure with at least one module having piezoelectric fibers in a continuous composite material between the directional fibers as in amended claim 1. Applicant therefore respectfully requests reconsideration and withdrawal of the §103 rejection of the pending claims.

For at least the foregoing reasons, Applicant respectfully submits that amended claims 1, 3, 5-8, and 10-14 are patentable over Eizenhoefer and Hagood, alone or in combination, and requests that a timely Notice of Allowance be issued in this application.

It is believed that no extension fees are due for this Amendment and Response. Any additional fees or extensions determined to be due in the course of this application are authorized and should be charged to Deposit Account No. 50-0206, Order No. 69643.001500. Any overpayment can be credited to Deposit Account No. 50-0206, Order No. 69643.001500.

Respectfully submitted,


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Dated: December 9, 2009
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